

REMARKS

Claims 1-19 have been examined. Claims 1-15 have been rejected under 35 U.S.C. § 112, second paragraph, and claims 1-19 have been rejected under 35 U.S.C. § 103(a).

I. Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 1-15 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Accordingly, Applicant has amended the claims in a manner believed to overcome the rejection.

II. Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 5,209,424 to Fischer et al. ("Fischer") and U.S. Patent No. 5,351,159 to Dodt et al. ("Dodt")

The Examiner has rejected claims 1-5, 8-12 and 15-19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fischer in view of Dodt.

A. Claims 1, 9 and 16

In the October 11, 2005 Amendment, Applicant argued that the recessed portion 64 of Fischer (i.e., the alleged recessed portion), fails to contain a protruding portion that substantially surrounds a label region on which a label is adhered, as recited in claims 1, 9 and 16.

In response, the Examiner cites to the newly cited reference Dodt as disclosing the claimed protruding portion. Specifically, the Examiner maintains that the protruding portion of Dodt is the region (i.e., the bar) between the label regions 112 and 113 (see Figure 1). The bar separates the regions into two separate label areas. However, such bar does not “substantially surround” either one of the label regions 112 or 113 as recited in claims 1, 9 and 16. Rather, the bar only forms one of four sides to the label regions 112 and 113. Thus, the bar of Dodt fails to teach or suggest the claimed protruding portion. In this regard, Applicant again refers the Examiner to the non-limiting embodiments of Figures 5 and 9 of the present Application.

Similarly, if the bar of Dodt was placed across the recessed portion 64 of Fischer to separate the recessed portion 64 into two separate regions, the bar would still only form one of four sides of the recessed portions 64, and therefore would not substantially surround the label regions, as recited in claims 1, 9 and 16. Moreover, Fischer discloses that the recessed portion 64 is adapted to receive ribs on the base of an adjacent cartridge when a plurality of cartridges are stacked. Accordingly, the addition of the bar of Dodt would potentially interfere with the function of the recessed portion 64 to receive the ribs.

In view of the above, Applicant submits that claims 1, 9 and 16 are patentable over the alleged combination of Fischer and Dodt.

B. Claims 2, 3, 8, 10 and 15

Since claims 2, 3, 8, 10 and 15 are dependent upon one of claims 1 and 9, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claims 4 and 11

In the current Office Action, the Examiner cites to the Dodt reference as disclosing that the protruding portion is formed by a plurality of protruding members, as recited in claims 4 and 11. However, the alleged protruding portion of Dodt (i.e., the bar between label regions 112 and 113) is only one single member. Accordingly, even if Applicant assumes *arguendo* that the bar of Dodt discloses the claimed protruding portion, such protruding portion is not formed by a *plurality* of members, as recited in the claims. Accordingly, since Dodt fails to cure the deficient teachings of Fischer, Applicant submits that claims 4 and 11 are patentable over the cited references. In addition, the claims are patentable at least by virtue of their dependency upon claims 1 and 9, respectively.

D. Claims 5 and 12

Claims 5 and 12 recite that the plurality of the protruding members are positioned, in combination, to have a substantially frame shape without corner portions in a plan view.

The Examiner cites to Dodt as disclosing the claimed protruding portion (i.e., the bar positioned between the label regions 112 and 113). However, the alleged protruding portion of Dodt is only one single member. Accordingly, even if Applicant assumes *arguendo* that the bar of Dodt discloses the claimed protruding portion, such protruding portion is not formed by a

plurality of members, as recited in the claims. Thus, Dodt cannot teach or suggest a plurality of protruding member positioned to have a substantially frame shape without corners.

E. Claims 17-19

Claims 17-19 recite that the center of the label region, which is substantially surrounded by the protruding portion, is level with the bottom surface of the recessed portion.

The Examiner included claims 17-19 in the rejection, but did not indicate where such features are shown or suggested in either of the cited references. Accordingly, the Examiner has not set forth a prima facie case of obviousness.

Applicant submits that claims 17-19 are patentable over the cited references. For example, Fischer specifically discloses that the center of the recessed portion 64 is higher than the edges of the recessed portion to maintain strength of the upper wall 58 while increasing the recessed portion depth (col. 3, lines 42-52). Accordingly, the center of the label region of Fischer is not level with the remainder of the recessed portion, and to make the entire recessed portion 64 of Fischer level would be contradictory to the specific teachings of the reference. Therefore, one skilled in the art would not be motivated to modify Fischer by Dodt to arrive at the invention recited in claims 17-19.

In addition, Applicant submits that claims 17-19 are patentable at least by virtue of their dependency.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/670,369

III. Rejections under 35 U.S.C. § 103(a) in view of Fischer, Dodt and U.S. Patent No. 6,717,771 to Morita et al. ("Morita")

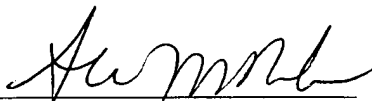
The Examiner has rejected claims 6, 7, 13 and 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fischer, Dodt and Morita. However, since claims 6, 7, 13 and 14 are dependent upon one of claims 1 or 9, and Morita fails to cure the deficient teachings of Fischer and Dodt, in regard to claims 1 and 9, Applicant submits that claims 6, 7, 13 and 14 are patentable at least by virtue of their dependency.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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